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TO : Commissioner for Patents
COMPANY : USPTO
FAX No. : 1-571-273-8300
No of PAGES : 7 (including cover sheet)
FROM : Joseph Fischer
DATE : December 16, 2005
RE : Serial Number 10/678,926; Filed 10/05/2003
ATTY. DOCKET NO: 10509-051

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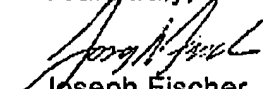
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VIA FACSIMILE ONLY

Attached please find for entry into the above-referenced application:


- 1) Information Disclosure Statement Transmittal (2 pages); and
- 2) Form 1449 (4 pages).

Yours truly,


Joseph Fischer
Reg. #51,210

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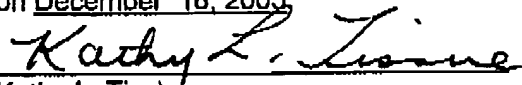
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Application No. 10/678,926

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

John W. Shiver et al.

Group Art Unit: 1648

Serial No.: 10/678,926

Examiner: To Be Assigned

Filed: 10/05/2003

For: Synthetic HIV Gag Genes

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

- ☒ 1. Pursuant to 37 CFR 1.97(b)
(within 3 months of filing or prior to 1st Office Action)
- ☐ 2. Certification Pursuant to 37 CFR 1.97(c)
(before Final Office Action or Allowance)
- ☐ 3. Petition, Certification & Petition Fee Payment Pursuant to 37 CFR 1.97(d) (after
Final Office Action or Allowance but before issue fee payment)

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following are submitted in the above-identified application in compliance with 37
CFR 1.97 & 1.98:

- ☒ 4. A list of documents on form PTO-1449 is enclosed herewith. All non-
patent references have been cited and/or provided in one or more of the
parent applications.

Application No. 10/678,926

This paper is submitted in accordance with:

- ☒ 5. 37 CFR 1.97(b): [within 3 months of filing or prior to 1st Office Action]
- ☐ 6. 37 CFR 1.97(c): [before Final office Action or Allowance, whichever is earlier; and
- ☐ 7. The required certification made in item 10 below; or
- ☐ 8. The \$180.00 fee specified in 37 CFR §1.17(p) for submission of this Information Disclosure Statement.
- ☐ 9. 37 CFR §1.97(d): [after Final Office Action or Allowance, but before issue fee payment]; and
- a) This is a petition for consideration of the subject Information Disclosure Statement. The petition fee (\$180.00) required by 37 CFR 1.17(i)(1) is authorized in item 11 below. (Direct this letter to: "Attention: PETITIONS EXAMINER" and, if applicable, include batch locator information: e.g., "Allowed Files, Batch _____, Date of Allowance _____"), and
- b) The required Certification is stated in item 10 below.
- ☐ 10. Certification
- ☐ a) Each item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement;
- or
- ☐ b) No item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this document after making reasonable inquiry, was known to any individual designated in 37 CFR 1.56(c) more than three (3) months prior to the filing of this Statement.
- ☐ 11. Please charge all applicable fees associated with the submittal of this Information Disclosure Statement to Deposit Account No. _____.

Respectfully submitted,


Joseph Fischer, Esquire

Reg. No. 51,210

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PTO/SB/08A (08-03)

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Complete If Known			
		Application Number	10/678,926		
		Filing Date	10/05/2003		
		First Named Inventor	John W. Shiver		
		Art Unit	1648		
		Examiner Name	Not yet assigned		
Sheet	1	of	4	Attorney Docket Number	10509-051

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	01	US-5,462,872	10/31/1995	Jonak et al.	
	02	US-5,788,464	07/28/1998	Seed	
	03	US-5,795,737	08/18/1998	Seed et al.	
	04	US-6,114,148	09/05/2000	Seed et al.	
	05	US-6,534,312	03/18/2003	Shiver et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
	06	WO 91/09869	07/1991			
	07	EP 565794 A1	10/1993			
	08	EP 345242 A2	12/1989			
	09	WO 97/11086	03/1997			
	10	WO 97/31115	08/1997			
	11	WO 96/09378	03/1996			
	12	WO 94/16737	08/1994			
	13	WO 98/12207	03/1998			
	14	WO 96/21356	07/1996			
	15	WO 95/20680	08/1995			
	16	JP 950007288	01/1995			

Examiner Signature		Date Considered	
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		Application Number	10/676,926		
		Filing Date	10/05/2003		
		First Named Inventor	John W. Shiver		
		Group Art Unit	1648		
		Examiner Name	Not yet assigned		
Sheet	2	of	4	Attorney Docket Number	10509-051

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	17	Fahey, J. L. and Schooley, R., Status of immune-based therapies in HIV infection and AIDS, 1992, Clin. Exp. Immunol; vol. 88; pp. 1-5.	
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	21	Shiver, John; et al., Cytotoxic T Lymphocyte and Helper T Cell Responses following HIV Polynucleotide Vaccination, 1995, Annals New York Academy of Sciences; vol. 772; pp. 198-208.	
	22	Wang, Bin; et al., DNA Inoculation Induces Neutralizing Immune Responses Against Human Immunodeficiency Virus Type 1 in Mice and Nonhuman Primates, 1993, DNA and Cell Biology; vol. 9; pp. 799-805.	
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	24	Coney, Leslie; et al., Facilitated DNA Inoculation induces anti-HIV-1 immunity in vivo, 1994, Vaccine; vol. 12; No. 16; pp. 1545-1551.	

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Substitute for form 1449B/PTO				Complete if Known	
				Application Number	10/678,926
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Filing Date	10/05/2003
				First Named Inventor	John W. Shiver
				Group Art Unit	1648
				Examiner Name	Not yet assigned
Sheet	3	of	4	Attorney Docket Number	10509-051

NON-PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	25	Fuller, Deborah Heydenburg and Haynes, Joel R., A Qualitative Progression in HIV Type 1 Glycoprotein 120-Specific Cytotoxic Cellular and Humoral Immune Responses in Mice Receiving a DNA-Based Glycoprotein 120 Vaccine, 1994, Aids Research and Human Retroviruses; vol. 10; No. 11; pp. 1433-1441.	
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	29	Andre, Stefanie, et al., Increased Immune Response Elicited by DNA Vaccination with a Synthetic gp120 Sequence with Optimized Codon Usage, 1998, Journal of Virology; pp. 1497-1503	
	30	Haas, Jurgen; et al., Codon usage limitation in the expression of HIV-1 envelope glycoprotein, 1996, Current Biology; vol. 6; No. 3; pp. 315-324.	
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	32	Chou, Kuo-Chen and Zhang, Chun-Ting, Diagrammatization of Codon Usage in 339 Human Immunodeficiency Virus Proteins and Its Biological Implication, 1992, Aids Research and Human Retroviruses; vol. 8; No. 12; pp. 1967-1976	

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		Filing Date	10/05/2003		
		First Named Inventor	John W. Shiver		
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Sheet	4	of	4	Attorney Docket Number	10509-051

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	33	Holler, Tod P.; et al., HIV1 Integrase expressed in Escherichia coli from a synthetic gene, 1993, Gene; vol. 136; pp. 323-328.	
	34	Letvin, Norman L.; et al., Potent, protective anti-HIV immune responses generated by bimodal HIV envelope DNA plus protein vaccination, 1997, Proc. Natl. Acad. Sci. USA; vol. 94; pp. 9378-9383.	
	35	Myers, Gerald; et al. (Edited by), Human Retroviruses and AIDS; A Compilation and Analysis of Nucleic Acid and Amino Acid Sequences, 1990, Published by Theoretical Biology and Biophysics Group T-10; pp. 1-A-74 thru 1-A-77.	
	36	Okuda, Kenji; et al., Induction of Potent Humoral and Cell-Mediated Immune Responses Following Direct Injection of DNA Encoding the HIV Type 1 env and rev Gene Products, 1995, Aids Research and Human Retroviruses; vol. 11; No. 8; pp. 933-943.	
	37	Powell, Michael F.; and Newman, Mark J. (Edited by), Vaccine design: the subunit and adjuvant approach, 1995, Published by Plenum Press; pp. 21, 654.	
	38	Rinaldo, Chanes; et al., High Levels of Anti-Human Immunodeficiency Virus Type 1 (HIV-1) Memory Cytotoxic T-Lymphocyte Activity and Low Viral Load Are Associated with Lack of Disease in HIV-1-Infected Long-Term Nonprogressors, 1995, Journal of Virology; vol. 69; No. 9; pp. 5838-5842.	
	39	Wang, Bin; et al., Gene inoculation generates immune responses against human immunodeficiency virus type 1, 1993, Proc. Natl. Acad. Sci. USA; vol. 90; pp. 4156-4160.	

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